



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

March 2, 2023

BILL NUMBER: Senate Bill 638 – First Reader

SHORT TITLE: Submerged Aquatic Vegetation Protection Zones - Aerial Surveys

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION:

The Department contracts the Virginia Institute of Marine Sciences (VIMS) to perform annual aerial surveys to determine submerged aquatic vegetation (SAV) abundance and distribution in Maryland waters of the Chesapeake Bay, its tidal tributaries, and the Atlantic Coastal Bays. The VIMS annual SAV aerial survey is the oldest and continuous bay-wide SAV survey in existence, and is used by the State of Maryland, the Commonwealth of Virginia and numerous federal agencies for SAV criteria assessments, tracking restoration goals and assessing impacts to SAV habitat. By contracting with VIMS, there is consistent standard operating procedures and guidelines for the acquisition of aerial imagery, photo interpretation and SAV bed delineation and bed density estimates, as well as quality assurance and quality control compliance.

SB 638 would also increase the frequency of SAV Protection Zone updates from every three years to every year, with a March 1st deadline. It would be nearly impossible for the Department to meet a March 1st deadline given the time required for updating the delineations and movement through the regulatory update process. Additionally, the Department must make a request to the United States Coast Guard for any change, addition or deletion of any buoy, which requires a 45-day lead time. It is illegal to move, remove or add any buoy without a permit from the Coast Guard.

BACKGROUND INFORMATION:

A Submerged Aquatic Vegetation (SAV) Protection Zone means an area delineated by the Department for the protection from uprooting and the restoration of submerged aquatic vegetation. Under current law, updated delineations to SAV Protection Zones are based on an aerial survey.

Senate Bill 807 of 2000 implemented the current text of Natural Resources Article, Section [4-1006.1](#).

BILL EXPLANATION:

SB 638 alters the definition of "aerial survey" relating to submerged aquatic vegetation protection zones to mean an aerial survey compiled by an entity approved by the Department of Natural Resources for the annual Bay-wide Submerged Aquatic Vegetation Mapping Program. The bill also requires the Department to update the delineations of submerged aquatic vegetation zones annually, rather than every three years, and prior to March 1st of each year.

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